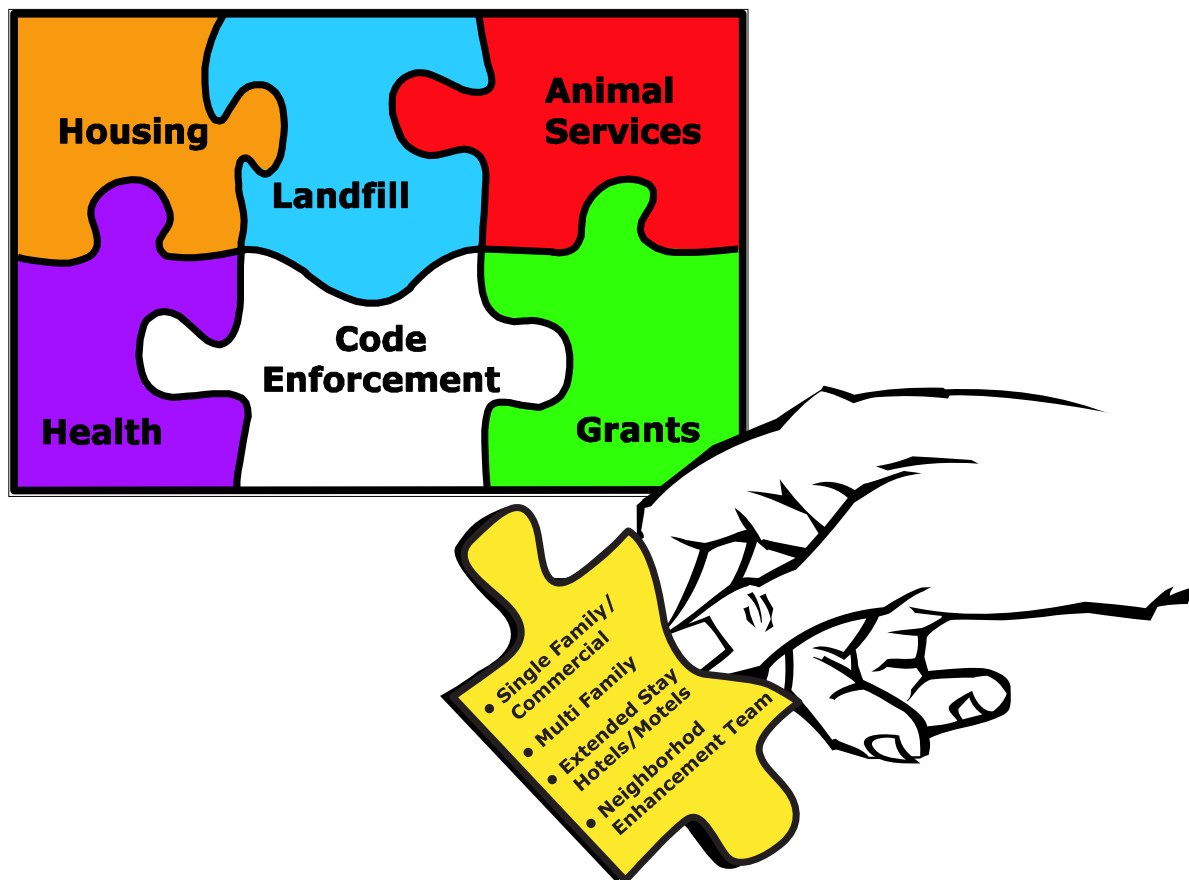


2004 CITIZEN POLICY REVIEW COMMITTEE



**FINAL REPORT:
CODE ENFORCEMENT
June 8, 2004**

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Mayor's Charge

The Citizen's Policy Review Committee (CPRC or "the Committee") met over a period of 10 weeks to conduct a comprehensive review of the City of Arlington Code Enforcement policies by exploring:

- The adequacy and appropriateness of the City's code enforcement ordinances
- The level of resources allocated to code enforcement
- The time it takes for due process rights to be exercised
- The role of education versus enforcement
- The reasonable balance between community standards and property rights

Guiding Principles

The Committee endorsed and applied the following guiding principles throughout the review process:

- 80/20 Rule: Invest the time it takes to resolve the chronic and complex problems that make up about 20% of code enforcement issues, with a lower priority focus on “maintenance” issues that comprise the remaining 80%. (For example, the City could send a postcard requesting compliance to first-time offenders, reserving Inspector resources for confirmed violation abatement.)
- Neighborhood-focused standards: The Arlington code enforcement model should continue to be neighborhood-focused and strategically target priority areas. The Committee supports different standards for different neighborhoods based on demonstrated neighborhood support and includes characteristics such as lot size, garage size, and construction date; possibly through the use of overlay districts.
- Support neighborhood action groups: Empower and equip residents to define and preserve local standards through neighborhood associations and community watch groups to address issues themselves with minimal city assistance.
- Respect private property rights and community good: Policies and ordinances should continue to balance the respect for private property rights at the same time as addressing the good of the community.
- Focus on exterior conditions: Single family code enforcement should continue to have a primarily exterior focus, with interiors inspected only due to health or life/safety issues.
- Regard single family rental units as businesses: Standards should be similar to commercial establishments rather than owner-occupied property.
- Target chronic properties and repeat offenders: Apply progressively more stringent enforcement and higher fines to repeat offenders with chronic violations, while maintaining the philosophy of working with residents and owners to correct property issues when possible.
- Focus on property, not the people: Focus efforts to enhance property condition.

Committee Consensus – Overriding Themes

The Committee comprehensively reviewed the City's code enforcement program, and concluded that it is effectively organized and implemented. Staff is both effective and efficient given the current ordinance, policy and resource level parameters, and is to be commended for their high level of performance. However, the Committee concluded that raising and aggressively enforcing specific standards will significantly enhance neighborhood livability.

Scope of Review

Arlington Code Enforcement has regulatory enforcement over literally thousands of ordinance and statute provisions. In order to achieve the highest return for time invested, the Committee intentionally limited its review to those ordinances, policies and issues which are

- The “Top Ten” and other most common code violations
- Complex, chronic, problematic, and difficult to solve
- Most susceptible to recidivism

These issues are specifically identified in the following portion of this report.

Committee Recommendations

The Committee recommends changes to the following standards and procedures to improve the livability of our community. Recommendations 1-13 have nominal or no budget impact, and are listed in no particular order. Recommendations 14-23 require additional funding to implement, and are identified by the Committee's priority ranking.

Recommendation #1

Establish an ongoing citizen and staff committee to develop a long range Strategic Plan for Code Enforcement which at a minimum should include:

- Identification of emerging problem trends
- Best practices to tactically address overcrowding issues
- Strategies to define and address "fragile neighborhoods". Criteria could include any neighborhood where
 - Property valuations have either declined or increased less than ½ of the average citywide rate of increase over the previous three year period of time
 - Rental properties comprise more than 20% of the housing stock
 - # of police calls for service exceeds the citywide average
 - # of code enforcement calls for service exceeds the citywide average
 - # of "detectable" home-based businesses exceeds the citywide average
- Consistent rights-of-way and median mowing
- Attractive and durable fencing materials standards (increased cost to owner, not City)
- Best practices to address proliferation of "mini mobiles"
- Design all new required sidewalks on thoroughfares to be located adjacent to the curb instead of allowing a parkway between the sidewalk and curb.
- Study feasibility of eliminating billboard signs throughout the City.
- Study feasibility of regulating exterior vending machines in the public view.
- Study feasibility of requiring collection centers to relocate out of public view, regardless of zoning district, profit-status or occupancy classification.

Recommendation # 2

Require edging in addition to the height requirements for weeds and grass along significant non-residential roadways. Edging should be required when the vegetation encroaches more than 3" past edge of curb, sidewalk or street. (Edging is already required by the City in the Mowing Contracts for properties abated by a City Contractor).

Recommendation #3

Require gates on properties with new or rebuilt fences adjacent to easements and rights-of-way to provide convenient access for maintenance purposes or require new developments to include a Home Owner Association maintenance agreement. Encourage existing neighborhoods to adopt similar agreements.

Recommendation #4

Modify ordinance language which regulates businesses out of a home to prohibit any business uses whose manner of operation is readily detectable or injurious to the livability of the neighborhood. An example of a prohibited use would be a contractor whose business operation includes equipment or supplies storage or employee staging. Provide 14 days to abate the violation.

Recommendation #5

Prohibit storage of junked vehicles outside a residential property, including vehicles which are screened, parked in the back yard, or covered with a tarp/car cover.

Recommendation #6

Change the ordinance definition of a "junked vehicle" to make any self-propelled vehicle a violation when any two of the following is applicable:

- Inoperable (30 days on private property; 72 hours on public property)
- Wrecked (defined as substantially disfigured, damaged, disintegrated, ruined, destroyed or demolished)
- Partially or completely dismantled
- Discarded (Abandoned)
- Expired registration and inspection

Recommendation #7

Allow recreational vehicles greater than current 30' length maximum in residential zoning districts based upon meeting BOTH lot size and distance parked from any property line standards. Recommended standards are:

<u>Length of RV</u>	<u>Lot size (sq ft)</u>	<u>P/L Setback</u>
Over 30'	over 7,200	over 5'
Over 35'	over 25,000	over 25'
Over 40'	over 40,000	over 35

(Lots with rear alley access should have less stringent requirements)

Further recommend that RV's be parked

- Behind an 8' masonry or wood stockade screening fence or other all-season view-obstructing vegetation
- In side or rear yards only; not in front yards
- May not block a sidewalk or extend into an easement

Recommendation #8

Carports may be constructed citywide in front of the building envelope in neighborhoods where parking is restricted by a one car garage or limited size lot and dwelling unit, provided they

- Meet International Building Code construction and engineered design standards
- Are consistent with the architectural design of the residence
- Are used only for parking of vehicles; no storage allowed
- Are supported by at least 2/3 of neighborhood's (defined as properties within a 200' radius of subject property) residents and not inconsistent with local covenants or restrictions

Recommendation #9

Strengthen vacant/substandard property standards by:

- Requiring that plywood used to secure vacant structures be painted to match the predominant color of the structure
- Requesting the City Attorney's office to research how notifications for dangerous structure hearings and court orders can convey with the property when ownership changes
- Partnering with Water Utilities, Police, Fire, Citizens on Patrol and other neighborhood groups to identify and report vacant or substandard structures

Recommendation #10

Change ordinance to require all dumpsters located within public view be screened by a four-sided enclosure with gate. Allow owners of non-conforming properties 2 months from date of notification to comply by relocating dumpster to a location out of public view, or 2 years to construct an approved enclosure with gates. Currently, there are 4,559 dumpsters total; 3809 without an enclosure and 750 with.

Recommendation #11

Modify the multifamily inspection program to include a scoring system with incentives and disincentives for owners to properly maintain properties.

Recommendation #12

Aggressively address overcrowding conditions by:

- Informing both property owner and tenant of code requirements
- Regularly monitor and track properties for nuisance violations commonly associated with overcrowding, such as parking in the yard, unclean premises, junked vehicles and dilapidated fences
- Exploring legal authority to limit off-site parking
- Partnering with Police Department when criminal activity suspected
- Encouraging neighborhood association involvement
- In severe cases, defined as 6 or more confirmed violations in a year's period, requiring a Certificate of Occupancy setting maximum occupancy levels based upon International Residential Code standards. Require landlord to include CO restrictions in lease. Have City Attorney's office research legality (Fair Housing Act) and feasibility of assessing CO issuance costs to property owner.

Recommendation #13

Strengthen signage ordinances by:

- Considering ordinance language for regulation of signage in the windows of businesses
- Prohibiting signage on vehicles as a primary attraction device to adjacent businesses as opposed to incidental signs for informational purposes. Specifically prohibit commercial banners or non-magnetic signs attached to vehicles. Authorize code enforcement to remove such vehicle if signage not corrected.
- Requiring all signs to be structurally sound and in good repair
- Requiring non-conforming pole signs to describe the adjacent business

- Have empty sign frames filled with durable inserts or covered with durable materials
- Be removed if only a pole remains
- Forfeit non-conforming status if abandoned or in violation for 6 months

Recommendation #14

Enhance Code Enforcement resources by:

- Restoring funding for the Office of Neighborhood Initiatives in order to foster neighborhood identity, communication and self-reliance (Priority ranking #1)
- Expanding the Neighborhood Enhancement Team (NET) (Priority ranking #2)
- Expanding commercial property enforcement, (Priority ranking #8) with emphasis on
 - High-visibility corridors
 - Illegal and non-conforming signage
 - Outside storage
 - Landscape maintenance

Creating a fund to assist income-qualified property owners on a limited basis to bring their properties into compliance (Priority ranking #4)

Recommendation #15

Increase effectiveness of chronic-repeat offender enforcement by:

- Defining "chronic-repeat offender" as 6 or more confirmed violations in a year's period
- Identifying and targeting by property, owner and tenant
- Restoring City Prosecutor position and required Municipal Court support dedicated primarily to nuisance abatement, dangerous and substandard buildings and civil remedies (Priority ranking #3)
- Reactivating the Nuisance Abatement Team (NAT)
- Creating an inter-departmental team to address most egregious cases
- Expediting warrants
- Establishing a graduated structure for fines

Recommendation #16

Require property owners to remove illegal dumping or graffiti violations on their property. Establish an abatement assistance fund for special circumstances, with priority given for violations in highly visible areas. (Priority ranking #4) Modify ordinance to provide 14 days to abate the violation.

Recommendation # 17

City should maintain rights-of-way on major corridors citywide based on a consistent community standard. (Priority ranking #5)

Recommendation #18

Improve the livability of single family rental properties by:

- Notifying both property owner and tenant of code violations and/or criminal activity at their property. (Priority ranking #6)
- Requiring an annual interior and exterior inspection fee where 6 or more violations occur during a one year period. Assess inspection costs to property owner.

Recommendation #19

Provide additional resources to enable stricter enforcement of landscape maintenance requirements. (Priority #7)

Recommendation #20

Enhance City's organizational credibility by:

- Training all city staff in code enforcement basics (Priority ranking #9)
- Requiring all field-deployed staff to recognize, report and be conversant on basic code violations

Recommendation #21

Enhance educational efforts by:

- Creating a "Welcome to Arlington" informational booklet. Include Code Enforcement educational material. Provide to residents opening water account, visiting recreation centers, libraries or other public buildings. (Priority ranking #10)
- Continually update website code enforcement information. Simplify resident access and use features. Create pull down menus for validating and reporting violations.
- Training residents to take an active role in educating their neighbors about code enforcement requirements or accurately initiate their own compliance communications via postcard.
- Expanding the NET model of information dissemination to neighborhoods.
- Considering implementation of a Citizen Code Compliance program.

Recommendation #22

Strengthen fencing standards by:

- Temporary fencing should be used for no more than 30 days when related to securing or demolition related activity
- Temporary fences shall continue to be allowed during construction
- Discouraging use of chain link as a material for temporary fences; encouraging alternatives such as bollard/chain style
- Limiting "orange netting" for short-term construction use only
- Requiring the street capital projects on major thoroughfares include replacement of corridor fencing to a more durable material of uniform appearance ([Priority ranking #11](#))

Recommendation #23

Codify exceptions to weed and grass ordinance to allow

- Vegetation to exceed 12" in natural park, riparian and agricultural areas
- Installation of signs on city property identifying exempted areas ([Priority ranking #12](#))
- 25' property perimeter mow on non-cultivated parcels over 10 acres

Committee Concurrence

The Committee has comprehensively reviewed and concurs with the following current standards and procedures utilized by Code Enforcement:

- **WEEDS AND GRASS:** Property owners must maintain their property at 12" or lower including any area from property line to back of curb. Single-notification process effective.
- **VEHICLES FOR SALE:** Both property owner and vehicle owner are held responsible for a vehicle for sale on land not owned by the vehicle owner.
- **PARKING IN THE YARD:** On residential properties for which the 1994 aerial shows no driveway, vehicles can be parked on an unpaved surface where a driveway would typically be located. Otherwise, no parking off an unpaved surface is allowed.
- **UNCLEAN PREMISE:** Definition allows inspector to use discretion in determining whether an accumulation of matter is "unsafe, unsightly, or unsanitary".
- **OVERSIZED VEHICLES:** Commercial vehicles exceeding 22' in length, 8' in width/height, or 4,000 pounds in carrying capacity are prohibited in residential neighborhoods. (See page 3 for Committee recommendations regarding recreational vehicles).
- **TRASH OUT TOO EARLY:** Trash may not be set out on the curb before 7:00 p.m. the day before collection.
- **WEATHERIZATION, PEELING PAINT:** Structures are required to have proper weather protection. If 10% of a structure's face has peeling paint or is bare, inspectors require corrective action.
- **MOBILE MINI COMMERCIAL STORAGE:** Current ordinances do not specifically regulate mobile minis. They are currently treated as outside storage and subjected to the requirement which restricts them to 5% of lot coverage with proper screening. (See page 2 for emerging trends in Master Plan).
- **NOISE:** Only police officers are authorized to enforce this State-defined law and are trained in using the equipment necessary to measure decibels. Currently, the only city noise regulations govern construction noise and permitting of amplified sound.
- **ALTERNATE COMPLIANCE METHODS:** Continue use of summary abatement, property liens, mediation, civil remedies, citizen affidavits and Certificate of Occupancy revocation when citations are ineffective.
- **SOLICITATION FROM MEDIANS:** No solicitation of any kind is allowed from a median or on the curb of a street.

- **DEAD TREES:** Resolution of concern about a dead tree that threatens two properties is a civil matter between property owners.

Summary

The effectiveness of Arlington Code Enforcement will be enhanced by raising and more aggressively enforcing those standards identified by the Committee's recommendations. Of the 23 recommendations, 13 can be implemented with no significant budget impact. The remaining 10 recommendations will impact the budget if implemented, but from the Committee's perspective warrant serious Council consideration.

The City's Code Enforcement functionality is effective and efficient given the current ordinance, policy and budgetary parameters.

The Committee concurs with the remaining ordinances, standards and procedures followed by Code Enforcement which were included in the scope of review.

APPENDIX: 2004 CPRC Workbook